

**FILED**

**NOV 26 2007**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

**JOSE LUIS PEREZ-MURILLO; MARIA  
TERESA MENDOZA-TORRES,**

**Petitioners,**

**v.**

**MICHAEL B. MUKASEY, Attorney  
General,**

**Respondent.**

**No. 06-70487**

**Agency Nos. A79-289-543  
A79-289-544**

**MEMORANDUM<sup>\*</sup>**

**On Petition for Review of an Order of the  
Board of Immigration Appeals**

**Submitted November 13, 2007<sup>\*\*</sup>**

**Before: TROTT, W. FLETCHER, and CALLAHAN, Circuit Judges.**

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Jose Luis Perez-Murillo and Maria Teresa Mendoza-Torres petition for review of an order of the Board of Immigration Appeals (“BIA”) denying their motion to reopen removal proceedings. We dismiss the petition for review.

The evidence petitioners presented with their motion to reopen concerned the same basic hardship grounds as their application for cancellation of removal. *See Fernandez v. Gonzales*, 439 F.3d 592, 602-03 (9th Cir. 2006). We therefore lack jurisdiction to review the BIA’s discretionary determination that the evidence would not alter its prior discretionary determination that they failed to establish the requisite hardship. *See id.* at 600 (holding that 8 U.S.C. § 1252(a)(2)(B)(i) bars this court from reviewing the denial of a motion to reopen where “the only question presented is whether [the] new evidence altered the prior, underlying discretionary determination that [the petitioner] had not met the hardship standard.”) (Internal quotations and brackets omitted).

**PETITION FOR REVIEW DISMISSED.**